



State Capitol | Lansing, Michigan 48913
PH (517) 373.3447 | FAX (517) 373.5849
www.senate.michigan.gov/gop/senator/birkholz/

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Contact: Amanda Price
517-373-3447

Birkholz Announces Final Passage of Legal Birth Definition Act

LANSING -- The Michigan Senate today gave final passage to Senate Bill 395, creating the Legal Birth Definition Act. The legislation, sponsored by Sen. Patty Birkholz (R-Saugatuck Twp) seeks to protect infants by clearly establishing the point at which they become legally protected individuals.

The bill establishes that legal birth (when legal personhood and rights commence for a human being) is at the point when any part of the live child has been delivered outside the mother's body and demonstrates a detectable heartbeat, evidence of breathing, or evidence of spontaneous movement.

"The significant majority of Representatives and Senators voting in favor of Senate Bill 395 reflects the will and conscience of the people of Michigan," Birkholz said. "I look forward to the Governor's signature on this legislation, which will provide much-needed protection and dignity to our society's newest and most vulnerable members."

The legislation, in effect, will prevent partial birth abortions from taking place, a procedure in which a live human being is destroyed when the child is partially out of the mother's body.

In *Roe v. Wade* and the legal decisions that followed it, the U.S. Supreme Court established that a fully born child is afforded full constitutional rights, and that a child within his or her mother is not a legally-protected person. However, no court has ever sought to define the term "unborn" or bar states from defining "born." Senate Bill 395 clarifies this ambiguity, establishing a bright line between when pregnancy ends and birth begins.

SB 395 now heads to the governor for her consideration.

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